IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

Bail Appl..No. 5182 of 2007()

CRIME NO.143/07 OF POOJAPPURA POLICE STATION

.....

: PETITIONER/A1

PRASANTH, S/O SIVAN,
ULIYANADU PANAYIL VEEDU,
N.C.C.ROAD, PEROORKADA, THIRUVANANTHAPURAM.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5182 of 2007

Dated this the 22nd day of August, 2007

ORDER

Application for regular bail. The petitioner is the 1st accused. Altogether there are 5 accused persons. They face allegations under Sections 120 B and 307 I.P.C as also under the provisions of the Explosive Substances Act. Accused 4 and 5 are allegedly undergoing imprisonment in the Central Prison, Trivandrum. They were allegedly enraged by the tightening of security and the conduct of the defacto complainant in this case - a police official. The 5 accused persons allegedly entered into a conspiracy. They allegedly made an attempt to do away with the defacto complainant/a police constable in duty at the jail. A country bomb was hurled at the defacto complainant who was available in front of the jail at the time of occurrence. He suffered injuries. That incident took place on 21.05.07. Investigation revealed the complicity of the petitioner and the conspiracy which was hatched to harm the defacto complainant. The petitioner was arrested on 23.06.07. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. His name is not shown in the F.I.R. He has been dragged into the case unnecessarily long later. At any rate, the petitioner who has remained in custody from 23.06.07 may now be enlarged on bail, submits the learned counsel for the petitioner.

3. The application is opposed by the learned Public Prosecutor . The allegations reveal a very serious and grave crime. A police official was attempted to be done away with for his role in guarding the prison under security. In any view of the matter, the petitioner is not entitled to be enlarged on bail at this early stage of investigation. Notwithstanding the fact that the petitioner has remained in custody from 23.06.07, he may not be enlarged on bail, submits the learned Public Prosecutor . Sufficient time may be given to the investigator to complete the investigation and file a final report, prays the learned Public Prosecutor . I find merit in the opposition by the learned Public Prosecutor. I am not persuaded to agree that this is a fit case where the petitioner can be enlarged on bail. In coming to this conclusion, I have taken note of all the relevant circumstances including the nature and gravity of the allegations raised.

4. This application for regular bail is, in these circumstances, dismissed, but with the observation that the petitioner shall be at liberty to move the learned Sessions Judge or this Court for bail again at a later stage of the investigation - not, at any rate, prior to 05.09.07.

(R.BASANT, JUDGE)

rtr/-